

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

GLORIA HILL,

Plaintiff,

vs.

MATT TOMA and MOVES SMOOTH,

Defendants.

**8:21CV422**

**MEMORANDUM  
AND ORDER**

On December 17, 2021, the court entered judgment dismissing this case without prejudice for lack of subject-matter jurisdiction. On February 24, 2022, Plaintiff filed a motion to reinstate the case (Filing 10), which will be treated as a motion for relief from judgment under Federal Rule of Civil Procedure 60(b).

Rule 60(b) provides that the court may relieve a party from a final judgment based on “mistake, inadvertence, surprise, or excusable neglect,” “newly discovered evidence,” and “any other reason that justifies relief.” Fed. R. Civ. P. 60(b)(1), (2) & (6). Relief under the Rule’s catchall provision is available only in “extraordinary circumstances.” *Buck v. Davis*, 137 S. Ct. 759, 777-78 (2017) (quoting *Gonzalez v. Crosby*, 545 U.S. 524 (2005)).

Plaintiff states, “I opened case in california where i live and was told that since other party lives in IOWA i must open case here.” (Filing 10.) This is not a valid reason for reopening the case. The case was dismissed because Plaintiff’s Complaint does not present a “federal question” for decision under 28 U.S.C. § 1331 and, while there might be diversity of citizenship, the amount in controversy does not exceed \$75,000.00, as required for the exercise of jurisdiction under 28 U.S.C. § 1332.

IT IS THEREFORE ordered that Plaintiff’s motion for relief from judgment (Filing 10) is denied.

Dated this 25th day of February 2022.

BY THE COURT:



Richard G. Kopf  
Senior United States District Judge